

Attorney Docket No.: 2002P01382WOUS

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephane Clauss et al
Application Number: 10/540,241
Filing Date: 06/22/2005
Title: GAS COOKING EQUIPMENT AND METHOD FOR
 PRODUCING GAS COOKING EQUIPMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW PETITION UNDER 37 CFR §1.78(a)(3)

Dear Sir:

On April 28, 2006, Applicants filed a Petition for Unintentionally Delayed Priority Claim Under 37 CFR §1.78(a)(3) for the present application (Serial No. 10/540,241). Applicants hereby request to withdraw the petition under 37 CFR §1.78(a)(3) filed on April 28, 2006 for the present application (Serial No. 10/540,241). The present application was correctly filed on June 22, 2005 with a proper priority claim and the petition under 37 CFR §1.78(a)(3) is not necessary. Applicants note that the petition under 37 CFR §1.78(a)(3) filed on April 28, 2006 also included 21 other applications. Applicants only wish to withdraw the petition for the present application (Serial No. 10/540,241), not the other 21 applications.

On October 3, 2005, the USPTO mailed a Filing Receipt for present application (Serial No. 10/540,241), which did not properly acknowledge Applicants' claim for priority to EP 03360005.7 filed January 13, 2003. In reply, Applicants filed a Request for Corrected Filing Receipt on February 14, 2006.

Because of the incorrect Filing Receipt received from the USPTO, Applicants included the present application in the petition under 37 CFR §1.78(a)(3) dated April 28, 2006. This petition also included 21 other applications.

On July 18, 2006, the USPTO mailed a "Withdrawal of Previously Sent Notice" acknowledging that the Filing Receipt mailed on October 3, 2005 was incorrect and was sent in error. This mailing also included a new corrected Official Filing Receipt properly claim priority

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to EP 03360005.7 filed January 13, 2003, and apologized for any inconvenience the error had caused. Part of this inconvenience was the inclusion of the present application in the petition under 37 CFR §1.78(a)(3) dated April 28, 2006 and payment of the \$1,370.00 petition fee. Because the priority claim for the present application has been corrected, Applicants hereby withdraw their petition under 37 CFR §1.78(a)(3) filed on April 28, 2006 for the present application (Serial No. 10/540,241). Applicants wish to maintain the petition for the other 21 applications

Applicants respectfully request that the petition fee of \$1,370.00, which was charged to Deposit Account 502786 on May 1, 2006, be refunded to Deposit Account 502786. As acknowledged in the "Withdrawal of Previously Sent Notice" dated July 18, 2006, the incorrect priority claim was the error of the USPTO. Therefore, Applicants respectfully request a refund of the \$1,370.00 paid for the present application.

CONCLUSION

In view of the above, withdrawal of the petition under 37 CFR §1.78(a)(3) filed April 28, 2006 and a refund of \$1,370.00 is respectfully requested. Should the Director have any questions or require additional submissions to support this Petition and its withdrawal, the Director is courteously requested to contact the undersigned at the number listed below.

Respectfully submitted,



Craig J. Loest

Registration No. 48,557

July 26, 2006

BSH Home Appliances Corp.
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PATENT MAINTENANCE
DIVISION

DEP-REF

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8
OFFICE

Serial No.: 10/540,241
Filing Date: 06/22/2005
Applicant: Stephane Clauss et al
Title: GAS COOKING EQUIPMENT AND METHOD FOR PRODUCING
GAS COOKING EQUIPMENT
Date of Deposit: July 26, 2006
Type of Document(s): Certificate of Mailing (1 page);
Request to Withdraw Petition under 37 CFR §1.78(a)(3) (2 pages);
Return Postcard

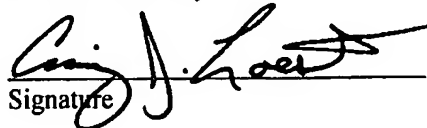
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I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date of Deposit
July 26, 2006

Craig J. Loest

Name of Attorney


Signature

Craig J. Loest, Reg. No. 48,557
Printed Name

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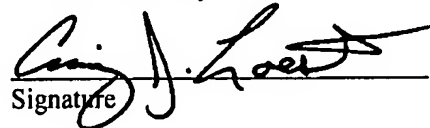
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Craig J. Loest

Name of Attorney


Signature

Craig J. Loest, Reg. No. 48,557
Printed Name

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